

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2206 of 2021

1. Chitra
2. Michael Mendoza

... Petitioners

-Vs-

The State rep by:

The Inspector of Police,
Thalainayar Police Station,
Vedaranyam Taluk, Nagapattinam District
(Crime No.768 of 2020)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.768 of 2020 is pending on the file of the respondent police.

For Petitioners : M/s.S.T.P.Kuilmozhi

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioners, who apprehend arrest for the alleged offences under Sections 366 of IPC 6 r/w Sec, 5(1), 17 and 18 POCSO (Amendment) Act 2019 and Sec 9 & 10 of Prohibition of Child Marriage Act 2006, in Crime No.768 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that there was a love affair between A1 and the defacto complainant's daughter as a result of which, A1 kidnapped the defacto complainant's daughter and married her. The petitioners helped A1. Hence, the complaint was registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. He would further submit that the petitioners are the relative of A1 and therefore helped A1, for which the petitioners were implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit there was a love affair between A1 and the defacto complainant's daughter as a result of which, A1 kidnapped the defacto complainant's daughter

and married her. He would further submit that 164 statement has been given by the victim and there are no previous case pending as against the petitioners.

5. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court under POCSO Act, Nagapattinam, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

10/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE SPECIAL COURT UNDER
POCSO ACT, NAGAPATTINAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THALAINAYAR POLICE STATION,
VEDARANYAM TALUK,
NAGAPATTINAM DISTRICT.

CC to M/S.S.T.P.KULIMOZHI Advocate on payment of necessary
charges Sr.1391

CRL OP.2206/2021

Date :10/02/2021

RVR 19/02/2021



WEB COPY